



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

#EO-549
DHW

July 17, 2007

James Garrison
State Historic Preservation Officer
Arizona State Parks
1300 W. Washington
Phoenix, AZ 85007

RE: STB Finance Docket No. 34836, Arizona Eastern Railway—
Construction and Operation – In Graham County, Arizona:
Notification of Adverse Effect and Request for Review and Comment

Dear Mr. Garrison:

As you know from our initial consultation in June 2006, the Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is in the process of conducting an environmental review in Finance Docket No. 34836, Arizona Eastern Railway (AZER) – Construction and Operation – In Graham County, Arizona. The proposed rail line would connect Phelps Dodge's proposed San Juan mining operation with an existing 113.5 mile AZER line that operates between Miami and Bowie, AZ. An Environmental Assessment (EA) is being prepared by SEA for this project pursuant to the National Environmental Policy Act (NEPA) and other Federal laws including the National Historic Preservation Act (NHPA).

As the lead Federal agency charged with complying with Section 106 of NHPA, we are informing you that the proposed undertaking may result in adverse effects to historic properties within the project's Area of Potential Effect (APE). We are also requesting your review and comment of the attached document, which we are providing to you in draft form: A Class III Cultural Resources Inventory of the Arizona Eastern Railroad Extension of Service Right-of-way near Solomonville, Graham County, Arizona. Below, I provide some background on the draft document and set forth directions on how to submit any comments that you may have.

The APE, as depicted on the map set forth in figure 2 of the attached document, consists of a 300-foot-wide corridor along Alternative A and a 500-foot-wide corridor along Alternative B. Alternative A is no longer under consideration. Rather, the two alternatives being considered in this EA are: The Proposed Action Alternative (shown as Alternative B) and the No-Action Alternative. The project area is located on Federal (Bureau of Land Management), state, and private lands.

The attached document sets forth the results of an intensive archaeological survey performed by SEA between May and August 2006. The survey resulted in the identification of 18 isolated occurrences of artifacts or cultural features and seven new archaeological sites. The APEs also cross three previously recorded linear sites including the Arizona Eastern Railroad, US 666/191 and Union Canal. The National Register of Historic Places (NRHP) eligibility of four sites could not be determined from surface evaluations alone, therefore we will be conducting eligibility testing once final engineering plans have been completed and a Treatment Plan has been prepared. Although we are still in the process of making final National Register determinations for the historic properties, the proposed action would likely result in adverse effects, including direct impacts, to some National Register eligible sites. A summary of the sites identified in the project area is provided below.

AZ CC:1:76 – GVG & N/AZE Railroad	Yes	Not eligible
AZ CC:2:172 – The Union Canal	Yes	Eligible
AZ CC:2:358 – Cochise or Mogollon Diffuse Lithic Scatter	No	Eligible
AZ CC:2:359 – Native Archaeological Culture	Yes	Not eligible
AZ CC:2:360 – The San Simon River Diversion	Yes	Could be eligible under Criterion A, and possibly B
AZ CC:2:361 – The Piggery	Yes	Eligibility cannot be determined
AZ CC:2:362 – The Montezuma Canal	Yes	Recommended for eligibility
AZ CC:2:363 – Located SW of the intersection of the San Simon diversion and US 666/191	Yes	Eligibility has not been evaluated
AZ CC:3:91 – US Hwy 666/191	Yes	AZ SHPO has determined other portions of this linear site to be eligible, but has not previously evaluated this segment.

The draft document, enclosed for your review and comment, was completed by WestLand Resources, Inc. on February 2, 2007 (consultants for the railroad) and peer reviewed by William Self Associates, Inc. (WSA) of Tucson, AZ on behalf of SEA. In

April 2007, SEA sent a copy of the document to eleven agencies and ten Indian Tribes for comment (see attached mailing lists). Formal comments were received from the Arizona Department of Transportation, Arizona State Museum, Fort Sill Apache Tribe, Gila River Indian Community (GRIC), and Salt River Pima-Maricopa Indian Community (see attached letters). GRIC commented that it has interest in three sacred traditional cultural places that are currently protected by a conservation easement provided by the Phelps Dodge Corporation. Although the sites are not within the APE, GRIC is interested in becoming a Section 106 consulting party, citing that any changes to the proposed alignment could impact the cultural resources. SEA believes GRIC's request is appropriate and has granted their organization consulting party status (see attached letter). To date, no other Section 106 issues have been identified.

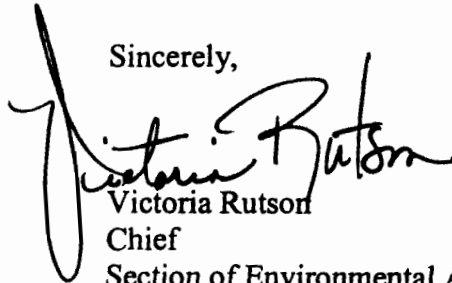
Please send your comments on the attached draft document within 30 days of receiving this letter.

Please send your comments to:

John C. Raveslout, Ph.D.
WSA, Inc.
2424 E. Broadway Blvd., Suite 100
Tucson, AZ 85719

If you have any questions regarding this letter or require further information, please do not hesitate to call Diana Wood, SEA Project Manager, at 202-245-0302. If you prefer, you may also contact John Raveslout of WSA at 520-624-0101 (j Graveslout@williamsself.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with a large initial "V" and "R".

Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (8)



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

July 17, 2007

Honorable William R. Rhodes
Gila River Indian Community
525 West Gu u Ki
P.O. Box 97
Sacaton, AZ 85247

Re: STB Finance Docket No. 34836, Arizona Eastern Railway – Construction and Operation Exemption – In Graham County, Arizona; Response to Request to be a Consulting Party under Section 106 of the National Historic Preservation Act

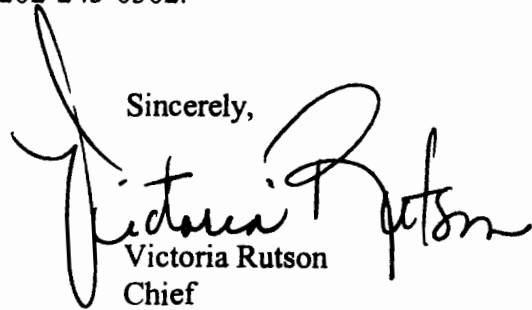
Dear Governor Rhodes:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is in receipt of your June 11, 2007 written request, provided on behalf of the Gila River Indian Community, to be designated a consulting party for the above referenced project pursuant to Section 36 CFR 800.2(c)(5) of the regulations implementing Section 106 of the National Historic Preservation Act (NHPA). As you know, SEA is conducting an environmental review, as required by the National Environmental Policy Act (NEPA) and NHPA, of the Arizona Eastern Railway's proposed rail line construction and operation in Graham County, Arizona. Section 106 of NHPA requires that the Board consult with Federal, tribal, state, and local agencies, and consulting parties to identify, assess, and resolve adverse effects to significant historic properties that may be caused by the proposed undertaking.

We believe your involvement as a Section 106 consulting party is appropriate given your aboriginal connections to Arizona and your expertise regarding the possible location of any properties of tribal traditional religious significance within the project area. We are therefore pleased to include your organization as a Section 106 consulting party for this proceeding and will ensure that you receive all relevant information to assist you in your participation.

We appreciate your interest in this project and look forward to working with you as we complete the Section 106 and NEPA processes. If you have any questions, please do not hesitate to contact Diana Wood, SEA Project Manager, at 202-245-0302.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with a large initial "V" and a long, sweeping tail.

Victoria Rutson

Chief

Section of Environmental Analysis

cc: James Garrison, Arizona State Parks

David Valenstein
Federal Railroad Administration
Mail Stop 20
1120 Vermont Avenue, N.W.
Washington, D.C. 20590

Michael Delleo, P.E.
Arizona Department of Transportation
Rm. 357, MD 618E
205 S. 17th Avenue
Phoenix, AZ 85007

U.S.D.I. Office of American Indian Trust
Department of the Interior
1849 C Street, NW
Washington DC 20240

Duane Shroufe, Director
Arizona Game and Fish Department
2221 West Greenway Road
Phoenix, AZ 85023

Bill Brandau, Field Manager
Bureau of Land Management
Safford Field Office
711 14th Avenue
Safford, AZ 85546-3337

Gordon Taylor, Planning Section
Manager
Arizona State Land Department
1616 W. Adams
Phoenix, AZ 85007

Madan Singh, Director
Arizona Department of Mines and
Mineral Resources
1502 West Washington
Phoenix, AZ 85007-73210

Ivan Sidney, Chairman/CEO
The Hopi Tribe
P.O. Box 123
Kykotsmovi, AZ 86039

Donald Butler, Director
Arizona Department of Agriculture
1688 West Adams Street
Phoenix, AZ 85007

Michael Bryce, County Engineer
Graham County
Planning and Zoning Department
921 Thatcher Boulevard
Safford, AZ 85546

Bill Harmon, District Engineer
Arizona Department of Transportation
2082 E. Highway 70
Safford, AZ 85546

John Madsen
Arizona State Museum
The University of Arizona
PO Box 210026
Tucson, AZ 85721

Terry O. Enos
Ak-Chin Indian Community Council
42507 W. Peters & Nail Rd.
Maricopa, AZ 85239

Joni Ramos, President
Salt River Pima-Maricopa Indian
Community
10005 E. Osborn Rd.
Scottsdale, AZ 85256

Kathleen Kitcheyan, Chairwoman
San Carlos Apache Tribal Council
PO Box 0
San Carlos, AZ 85550

Ivan Sidney, Chairman/CEO
The Hopi Tribe
P.O. Box 123
Kykotsmovi, AZ 86039

Arlen P. Quetawki, Sr., Governor
Pueblo of Zuni
PO Box 339
Zuni, NM 87327

Jeff Houser, Chairperson
Fort Sill Apache Tribe
Route 2, Box 121
Apache, OK 73006

William Rhodes, Governor
Gila River Indian Community
PO Box 97
Sacaton, AZ 85247

Vivian Juan-Saunders, Chair
Tohono O'odham Nation
PO Box 837
Sells, AZ 85634

Sara Misque, Chair
Mescalero Apache Tribe
PO Box 227
Mescalero, NM 88340

Ronnie Lupe, Chairman
White Mountain Apache Tribe
PO Box 700
Whiteriver, AZ 85941

GILA RIVER INDIAN COMMUNITY

Executive Office of the Governor & Lieutenant Governor

401-300
(401)

William R. Rhodes
Governor



Jennifer Allison-Ray
Lieutenant Governor

June 11, 2007

**Victoria Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
Washington, DC 20423**

RE: STB Finance docket no. 34836, Arizona Eastern Railway – Construction and Operations - In Graham County, Arizona.

Dear Ms. Rutson,

In response to your letter dated April 4, 2007 in which you advised that The Surface Transportation Board's Section of Environmental Analysis (SEA) is in the process of conducting an environmental review in Finance Docket No. 34836, Arizona Eastern Railway (AZER) – Construction and Operation – In Graham County, Arizona. The proposed rail line would connect Phelps Dodge's proposed San Juan mining operation with an existing 113.5 mile AZER line that operates between Miami and Bowie, AZ. An Environmental Assessment is being prepared by SEA for this project pursuant to the National Environmental Policy Act and other federal laws including the National Historic Preservation Act (NHPA). As the lead Federal agency charged with compiling with Section 106 of NHPA you are seeking review and comment on this rail way project.

The area of potential effect (APE) consists of a 300-foot-wide corridor along Alternative A and a 500-foot-wide corridor along Alternative B. The survey report indicates that the proposed rail line would cross newly identified archaeological sites, as well as previously recorded sites along the corridors of the Eastern Railroad, US 666/191 and Union Canal. Your letter advises that eligibility testing will be conducted for some sites once construction plans are completed and that adverse effects would occur to some National Register eligible sites in the project area.

The GRIC is interested in being a consulting party in the Section 106 process and hereby requests a copy of the full cultural resources survey report; eligibility testing treatment plans; and any data recovery plans resulting from eligibility determinations. Please forward the cultural resources reports to GRIC Cultural Resource Specialist Barnaby V. Lewis at ADDRESS: Cultural Resource Management Program, P.O. Box 2140, Sacaton, Arizona 85247.

The Phelps Dodge Corporation has provided a conservation easement to the GRIC in which provisions for perpetual protective measures will be implemented for three sacred traditional cultural places. Although the three sacred sites are not within the APE the GRIC wishes to be advised of any changes in project plans that may intrude in the vicinity of GRIC's three sacred sites.

Thank you for consulting with the GRIC and we anticipate meaningful consultation on this project. Please call GRIC Cultural Resource Specialist, Barnaby V. Lewis at 1-520-562-6713 should you have any questions or require further information.

Sincerely,

A handwritten signature in black ink, appearing to read "W R Rhodes", followed by a date "6-22-07".

William R. Rhodes, Governor
Gila River Indian Community

cc: John C. Ravesloot, Ph.D. William Self Associates, Inc.
Lucius Kyyitan, Director GRIC Office of Water Rights

#E1-2961
Aw

From: John Raveslout [jrareslout@williamsself.com]
Sent: Wednesday, May 02, 2007 9:53 AM
To: John Cook
Cc: 'William Deaver'
Subject: FW:
FYI

John Raveslout, Ph.D.
Principal

WSA, Inc.
2424 E. Broadway #100
Tucson AZ 85719
520-624-0101
520-792-1005 fax
520-405-1692 cell

From: Nancy E Pearson [mailto:nepearso@email.arizona.edu]
Sent: Wednesday, May 02, 2007 9:44 AM
To: John Raveslout
Cc: John Madsen
Subject:

Hello John,
I just finished reviewing the draft report "A Class III Cultural Resources Inventory of the Arizona Eastern Railroad Extension of Service Right-of-way near Solomonville, Graham County, Arizona." Arizona State Museum has no comment, other than to say it is well written and thorough. It meets or exceeds ABOR's reporting requirements.
Nancy

Nancy E. Pearson
Assistant Permits Administrator
Arizona State Museum
P.O. Box 210026
University of Arizona
Tucson 85721-0026
(520) 621-2096 Phone/FAX

#E1-2963
DFW



FORT SILL - CHIRICAHUA - WARM SPRINGS - APACHE TRIBE

PHONE: (580) 588-2298 / 2314 • FAX: (580) 588-3133
TOLL FREE: 1-877-826-0726
ROUTE 2, BOX 121 • APACHE, OKLAHOMA 73006

May 7, 2007

John C. Raveslout, Ph.D.
WSA, Inc.
2424 E. Broadway Blvd., Ste 100
Tuscon, AZ
85719

Dear John C. Raveslout, Ph.D.,

Thank you for the information on the proposed rail line connecting Phelps Dodges proposed San Juan mining operation between Miami and Bowie, AZ.. The project is located within the area we have identified as Fort Sill Chiricahua/Warm Springs Apache ancestral homelands. After reviewing the information provided, we currently have identified no cultural, historical, or religious concerns within the project area. If you find anything in the course of the project that might relate to Apaches, please let us know.

Please contact me or Michael Darrow at the Fort Sill Apache Tribe if you have any further questions.

We appreciate your contact concerning this matter.

Sincerely,

Bryan Jones
Cultural Coordinator
Fort Sill Apache Tribe
Rt. 2, Box 121
Apache, OK 73006
580-588-2298

MOUNTAIN SPIRIT DANCER

Mountain Spirit Dancer represents the Mountain Spirit Ceremony which is used by the Chiricahua and Warm Springs Apache. It was given to the Apaches by the Mountain Spirits for blessing, protection, curing and warding off diseases. The Ceremony is still used today.

HEI-2964
Dru



**Salt River Pima-Maricopa Indian Community
Cultural Resources Department**

Cultural Preservation Program

10,005 East Osborn Road

Scottsdale, Arizona 85256

Phone: (480) 850-3940 Fax: (480) 850-8779

June 6, 2007

John C. Ravesloot, Ph.D.
William Self Associates
2424 E Broadway Blvd., Suite 100
Tucson, Arizona 85719

Dear Mr. Ravesloot

The Salt River Pima-Maricopa Indian Community is in receipt of your letter dated, April 4 2007, regarding the Finance Docket No. 34836. This project is within our ancestral territory, but through an agreement with the Four Southern Tribes (Salt River Pima-Maricopa Indian Community, Gila River Indian Community, Ak-Chin Indian Community, and the Tohono O'odham Nation), we defer all consultation to the Gila River Indian Community.

Thank you for providing us the opportunity to comment on this project. We look forward to consulting and commenting on future projects, pursuant to Section 106.

Sincerely,

Wechoni W. Schurz
Cultural Resources Technician
Salt River Pima-Maricopa Indian Community

cc: Gerald S. Anton, Cultural Preservation Programs Supervisor



Arizona Department of Transportation
Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

June 4, 2007

Sam Elters
State Engineer

John C. Raveslout, PH.D.
WSA, Inc.
2424 E. Broadway Blvd.
Suite 100
Tucson, Arizona 85719

Re: STB Finance Docket No. 34836
Arizona Eastern Railway-Construction and Operation
In Graham County, Arizona

Dear Dr. Raveslout:

Mr. Harmon asked me to review the Cultural Inventory Report for the railroads extension of service Right of Way near Solomon, Graham County, Arizona. The report furnished by Westland Resources, Inc. was informative but I could find nothing of significance to comment on in regards to ADOT's Right of Way. I would be interested in reviewing any future documents such as an Environmental Assessment when these become available.

Thank you for providing this information to us and giving us an opportunity to comment. Please send any further documents to myself at the address provided below.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gary R. McRae", written over a horizontal line.

Gary R. McRae
Environmental Coordinator
ADOT Safford District Office
2082 E. Hwy 70
Safford, AZ. 85546
(928) 428-5470
(928) 428-7523 fax

GRM/rig

#E1-2962
Wtw